

REMARKS

Status of the Claims.

Claims 1, 8-18, 22-26, 29-34, 41-55, 62-72, 76-90, 97-120 are pending with entry of this amendment, claims 2-7, 19-21, 27, 28, 35-40, 56-61, 73-75, and 91-96 being previously canceled and new claims 116-120 being previously added. Claims 1, 34, 55, 72, 82, 89, 100, 101, 106, 108, 113, 115, and 116-120 are amended herein. These amendments introduce no new matter. Support is replete throughout the specification (*e.g.*, in the claims as originally filed).

Objections to the claims.

The Examiner objected to claim 34 because at line 6, single brackets were present around the word "is". Claim 34, as presented herein, shows double brackets around the word is indicating that this word is to be deleted from the claim thereby obviating this objection.

The Examiner objected to claim 82 because "and" should be deleted from line 5 of the claim and inserted before "palmitelaidoyl". Claim 82 is so amended herein thereby obviating this objection.

Claims 89 and 100 were objected to because "a" should be inserted before "non-human". Claims 89 and 100 are so amended herein thereby obviating this objection.

Claim 115 was objected to because "transferrin" was misspelled. Claim 115 is amended to correct the misspelling thereby obviating this objection.

35 U.S.C. §112, second paragraph.

Claims 1, 34, 55, and 90 were rejected under 35 U.S.C. §112, second paragraph, because they recite a polypeptide length range of from 10 to 40 amino acids, while the recited amino acid sequence (SEQID NO:18) is 11 amino acids. Accordingly, per the Examiner's recommendation, the lower limit of the range is changed to 11 thereby obviating this rejection. Support for this limitation is found in the length of the sequence recited in the claim.

Claims 101, 106, and 113 were rejected under 35 U.S.C. §112, second paragraph, because they depend, in part, on canceled claims 19-21. Claims 101, 106, and 113 are amended herein to recite "... claims 1, 8-18, 22-26, and 29-33." thereby obviating this rejection.

Claim 108 was rejected under 35 U.S.C. §112, second paragraph, because only three of the claims upon which claim 108 depends required a D amino acid in the peptide. Claim 108 is amended herein to recite ". . . wherein an all D-form of said polypeptide is administered in combination with an all L-form of the same polypeptide." thereby improving clarity and obviating this rejection.

Claims 116 and 118 were rejected under 35 U.S.C. §112, second paragraph, because "said peptide" should be changed to "said polypeptide". Claims 116 and 118 are so amended herein thereby obviating this rejection.

Claims 116-120 were rejected under 35 U.S.C. §112, second paragraph, because it was allegedly unclear how "is" was to be interpreted. Claims 116-120 are amended herein to recite "consisting of" instead of "is" thereby obviating this rejection.

Allowable Subject Matter.

Applicants note with appreciation the Examiner's indication that claims 1, 8-18, 22-26, 29-34, 41-55, 62-72, 76-90, and 97-120 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. §112, second paragraph, and the claim objections.

Applicants believe the amendments made herein overcome the rejections and objections and accordingly believe all presently pending claims to be in condition for allowance.

The issuance of a formal Notice of Allowance at an early date is respectfully requested. Should the Examiner seek to maintain the rejections, Applicants request a telephone interview with the Examiner and the Examiner's supervisor.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (510) 267-4161.

Weaver Austin Villeneuve & Sampson LLP
500 12th Street, Suite 200
Oakland, CA 94607
tel: (510) 663-1100
fax: (510) 663-0920

Respectfully submitted,

/Tom Hunter/

Tom Hunter
Reg. No: 38,498